

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTHONY BROCATO, et al.,

Plaintiffs,

v.

LYNDEN INCORPORATED, et al.,

Defendants.

CASE NO. C14-5583 RBL

ORDER GRANTING MOTIONS TO
DISMISS AND REMAND

THIS MATTER is before the Court on the Plaintiffs' motion to dismiss some of their claims [Dkt. #21] and their motion to remand for lack of subject matter jurisdiction [Dkt. #22]. The Defendants removed this matter from state court asserting federal-question jurisdiction. The Plaintiffs filed their motion to dismiss and motion for remand simultaneously. The Plaintiffs claim that because they are voluntarily dismissing all of their federal claims, this Court will be divested of its subject matter jurisdiction if their motion to dismiss is granted. The Defendants do not oppose the Plaintiffs' motions.

The Plaintiffs' motion to dismiss [Dkt. #21] is **GRANTED**. Although the Plaintiffs' argument that this Court lacks subject matter jurisdiction is incorrect ("jurisdiction must be analyzed on the basis of the pleadings filed at the time of removal without reference to

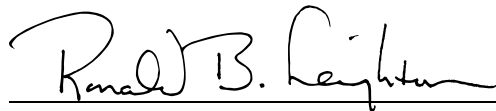
subsequent amendments,” *Sparta Surgical Corp. v. Nat’l Ass’n of Securities Dealers, Inc.*, 159 F.3d 1209, 1213 (9th Cir. 1998)), because the defendants do not oppose remand, this Court will decline to exercise supplemental jurisdiction over the remaining claims. *See* 28 U.S.C. § 1367(c)(3). Plaintiffs’ motion to remand [Dkt. #22] is **GRANTED**.

Accordingly, it is hereby ORDERED that:

- the Plaintiffs’ Amended Motion for Voluntary Dismissal without Prejudice of All Claims Against Teamsters Local No. 313 and Breach of Contract Claim Against Lynden Transport is **GRANTED**;
- the Plaintiffs’ motion to dismiss their breach-of-contract claim and negligence claim against the defendant Lynden Transport is **GRANTED**;
- the only remaining claims in this case are the Plaintiffs’ wrongful discharge and hostile work environment claims against defendant Lynden Transport;
- the Plaintiffs’ Amended Motion to Remand to Pierce County Superior Court is **GRANTED**.

IT IS SO ORDERED.

Dated this 16th day of April, 2015.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE